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LETTERS *a "Defense of the*
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ON

OUR AFFAIRS

221
WITH

SPAIN.

BY JAMES CHEETHAM.

NEW-YORK :

PRINTED FOR THE AUTHOR.

1804.

.....
SOUTHWICK AND HARDCASTLE, PRINTERS,

NO. 2, WALL-STREET.

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W. J. 2054

LETTERS, &c.

NEW-YORK, SEPTEMBER 24, 1804.

LETTER, NO I.

THE United States seem to be involved with Spain in a misunderstanding of which our citizens in general have but an imperfect knowledge. We purpose to notice the causes of this misunderstanding between the two countries, and, that we may acquit ourselves, in some measure, to the satisfaction of the reader, in the discussion of subjects in their nature extremely intricate, respect will be paid to perspicuity and conciseness.

Before, however, we advance to the business immediately before us, it may not be useless to advert to correlative facts and diplomatic artifices.

Until recently we had consoled ourselves with the pleasing reflection, that we were at peace with all the world,* and, apart from the aggressions committed by the British ships of war at Sandy Hook, that it was not likely our repose would be speedily and materially interrupted. It was not generally, if at all, understood, that differences of a serious nature existed to menace our tranquillity with Spain. It was presumed, and the pre-

* The exception of Tripoli is too trifling for particular notice.

sumption was a fair one, that his Catholic Majesty, still adhering to good faith, was at least willing to preserve and continue those relations of amity which have hitherto happily subsisted between the two countries. We were mistaken.

The treaty of San Lorenzo et Real, formed between the United States and Spain in 1795, and ratified by our government cotemporaneous with the date of the ratification of the British Treaty, provides for the ascertainment of the losses which our commercial citizens had sustained in the capture of their vessels and cargoes by the subjects of his Catholic Majesty. Article 21, establishes a board of commissioners, who were to assemble and continue their sittings at Philadelphia, receive claims, and decide upon them as to their justice and amount. Their decisions were to be final and conclusive in respect to both. The duration of the board was limited to *eighteen months*, from the first meeting. Their powers therefore ceased early in the year 1798.

But Spanish spoliation on the commerce of the United States, did not cease with the duration of the board. Spanish subjects continued to capture our ships, and his Catholic Majesty's courts were ever ready to pronounce condemnation upon both vessels and cargoes.

This avidity for capture and alacrity to condemn, soon involved the United States in commercial losses equal in moment to those, for the adjustment and refunding of which the treaty of San Lorenzo et Real had made correct and ample provision.

The claims which the United States now had on his Catholic Majesty for captures, were of two kinds; those

effected by the subjects and ships of Spain, and others made by the citizens and vessels of France, but which, in repugnance to the law of nations, and the statutes and usages of Spain, had been carried into Spanish ports, where they were condemned and sold, and the booty shared by the captors. The joint captures and adjudications amount to several millions of dollars. As we advance in the discussion I will specify the *number* of vessels and cargoes jointly and separately condemned, and hazard a conjecture as to their probable *amount*.

Solicitous for the unity and prosperity of the nation over which he illustriously presides, and to do justice to all classes of its citizens, Mr. Jefferson, at an early period of his administration, turned his attention to the best means of vindicating the rights and restoring the captured property of his fellow citizens.

Accordingly, in the summer of 1801, † the President caused instructions to be forwarded to Mr. Pinckney, our Minister at Madrid, to urge to the Spanish government the justice and necessity of redress for our citizens who had suffered by unlawful captures and condemnations effected under Spanish authority, as well as by wrongful captures made by French citizens, and decisions pronounced upon them by French consuls within the jurisdiction of Spain. The consequent discussion began by Mr. Pinckney with the government of Spain, issued in the convention concluded at Madrid, the 11th of August, 1802.

This convention distinctly notices the two sorts of claims to which I have adverted; those founded in unlawful captures and condemnations effected under colour

† But a few months after his inauguration.

of Spanish authority, and captures made by French citizens, and wrongful decisions pronounced upon them by the consuls of that nation, within the precincts of Spain.

The convention, in the former case, establishes a board of commissioners, to receive claims and decide, in the last resort, upon their justice and amount:—In the latter, no provision is made. The discussion, unabandoned, was postponed to a future period on account of the impossibility of agreeing upon precise stipulations.

Thus concluded and signed by the respective plenipotentiaries, the convention was transmitted to the President of the United States, who availed himself of the first opportunity to lay it before the Senate.

And here it may be proper to correct a very gross misrepresentation, which originally appeared in the United States Gazette, and which has been copied into several federal prints. According to this the President, averse from the ratification of the convention, and disregarding of his duty, kept the instrument in his pocket six months after it was received, and did not after all lay it before the Senate in the session of 1802—3 until, during its continuance, it was too late to ratify it.

I have already remarked, that the convention bears date “ Madrid, August 11, 1802.” It could scarcely have reached Washington before the following December. Early in 1803, it was laid before the Senate. I will now glance at the cause of the failure of its ratification during this session.

The reader will recollect that during this memorable

session the interdiction of our right of deposite at New-Orleans was first agitated in Congress, and he cannot have forgotten the inflammatory speeches which were delivered on this occasion in the Senate by Messieurs Ross, Morris, &c. There evidently appeared, on the federal side of the house, a disposition to embroil us unnecessarily with a foreign power.

At this crisis, the Convention in question was taken up in the Senate. The minority, to a man, was opposed to its ratification. Events persuade us that the opposition was dictated with a view to widen our differences. It seems to have been supposed, by the opposition, that a refusal to ratify would increase our difficulties and multiply the chances for war. Their numbers were counted ; they arranged themselves in close order ; they opposed the ratification.

To ratify treaties, a majority of two-thirds are necessary. On the question to ratify the Convention, it was found that the federal Members of the House exceeded one-third. The ratification was therefore *negatived*. In the rejection, the federal members of the Senate were joined by a republican.

Agreeably to the rules of the Senate, a member voting in the *minority* may move for a reconsideration. The republican member availed himself of this privilege.—The question to reconsider was carried in the affirmative ; but as the republican members of the Senate were less than two-thirds of the House, the further consideration of the Convention was necessarily postponed to the following session. These remarks are made, not so much to censure the past, as to refute the gross calumny on the executive, which has been industriously disseminated in

several of the federal prints, and to account for the delay of the ratification, of which the Marquis D'Yrujo, in his *Graviora Manent*, so ingeniously complains.*

At the last session of Congress, there was an accession to the republican strength in the Senate. The convention was therefore ratified.

The ratification was forwarded to our minister at Madrid, where it was supposed its arrival would be immediately succeeded by a corresponding act on the part of his Catholic Majesty. It is understood that, with the ratification, instructions were forwarded to Mr. Pinckney to urge the claims of our commercial citizens, whose vessels and cargoes had been captured by *French* vessels and wrongly condemned in *Spanish* ports by consuls of the *French nation*. Provision, it will be recollected, was already made in the convention for the restitution of the property of our citizens, captured by *Spanish* ships and unlawfully condemned by the tribunals of his *Catholic Majesty*.

Here, for the present, it is necessary to quit *American* information to witness a scene of Spanish diplomatic intrigue, of which several of the federal editors of Philadelphia have been the dupes.

The first information we received from Madrid, came through the Spanish Minister, D'Yrujo, in the form of "*extracts of letters*" from his Catholic Majesty's European dominions. They are diversified according to the genius of D'Yrujo and the projects of his court. These *extracts of letters* are the sorriest of the diplomatic arts, and so intimately are we acquainted with them from

* See Appendix, No. III.

their frequent use among us, that they have ceased to produce effects other than of contempt, except with those who with avidity seize even upon the enemies of foreign powers to oppose and asperse the best of governments.

Of this unworthy disposition of several of our contemporary editors, D'Yrujo availed himself to unfold, in the form of "*extracts of letters*," the hostile projects of his Catholic Majesty, as well as to vilify our government. After the very singular occurrence with Major Jackson, it will not be doubted that D'Yrujo wrote himself the letters which have been palmed upon the public as coming from Spain.

These letters represent our government as unjust and ambitious! *Unjust*, in the reclamations that have been made of the captured property of our Commercial Citizens; *ambitious*, in the correct limits that have been assigned by Congress to the *Eastern* boundary of *Louisiana*. These allegations, which were subsequently incorporated into D'Yrujo's defence of Spain, under the signature of *Graviosa Manent*, shall be hereafter examined.

Encouraged by the federal Editors of Philadelphia, D'Yrujo proceeded from *extracts of letters* to his *grave* defence, and from his defence to an attempt to *corrupt* Major Jackson and *alienate his affections from our government*.

NEW-YORK, SEPTEMBER 25, 1804.

LETTER, NO. II.

AN attempt so extraordinary and reprehensible, upon the fidelity of a citizen to his government, it was natural to conclude, had not been made without some sort of previous encouragement.

Major Jackson had occupied for a series of years the place of Surveyor of the Customs of the Port of Philadelphia. His attachment to, and the intemperate zeal he had manifested in favour of, the unpopular and prejudicial administration of Mr. Adams, had secured to him a long uninterrupted enjoyment of this easy and lucrative office. The ebullitions of his zeal, when penal statutes repressed public opinion, broke out into acts inconsistent with internal quiet, and peculiarly offensive to the citizens of Philadelphia, to whom he was politically opposed. His conduct had stamped his character with fierce and unyielding opposition to the present administration, and therefore, about two years after the election of Mr. Jefferson to the Presidency, it was deemed just and expedient to remove him from office. He was accordingly removed.

Immediately after the removal, we found Major Jackson at the head of a Philadelphia gazette, with the title of the "Commercial and Political Register"—so suddenly had party zeal metamorphosed the Surveyor of the Port of Philadelphia into the Editor of a Daily Print.

The first acts of the editorial career of major Jackson, were unwarranted philippics against the administration by which he had been removed. Fired with resentment and smarting under the lash of retributive

justice, invective succeeded to invective, gradually ascending the scale of bitterness and reproach. The President was depicted as feeble; yet prolific in schemes of gigantic mischief; as incompetent to the due execution of the duties of his station; still with the art and ingenuity of drawing the affections of the people to their government. The Presidential Portrait of the Ex-Surveyor had this of inability in execution and design; while the intention and object of the artist were to represent Mr. Jefferson as weak and wicked, he appeared energetic and amiable.

The original attachment of Major Jackson to an administration the reverse of that under which we live; his transparent resentment, and incessant invectives, had encouraged D'Yrujo to infer political infidelity of the blackest hue.*

* Major Jackson was not the only editor in Philadelphia of whose opposition to our government the Spanish minister hoped to profit. In publishing the "*extracts of letters*" he was joined by *Relf*, editor of the Philadelphia Gazette, and by the United States Gazette, edited by *two political zealots from Connecticut*. The latter paper was formerly patronized by Mr. Liston, the British minister! The Philadelphia Gazette and the United States' Gazette, to use a sea metaphor, shot a-head of D'Yrujo. The "*extracts of letters*" were published in the respective papers accompanied with editorial remarks of a very aggravating nature. Where he was deficient in aspersing our government, his deficiency was abundantly supplied by the respective editors of the two papers. Thus encouraged, D'Yrujo brought forward his defence of Spain under the signature of "*Graviores Manent.*" This obtained a ready insertion in Relf's Gazette, and in the United States' Gazette, although the editors of these papers, according to their own admissions, knew that it came from a *Spanish official source*, and could not but perceive the misrepresentations which it contained. But this was by no means an hinderance to insertion. To every blow put in by D'Yrujo, they added two. They were pleased to see new opposition to our

It is mentioned, however, with great satisfaction, that opposition to our government could not induce him to *sell* his services to the Minister of a foreign power. His rejection and exposition of the *corrupt* overture, has conferred upon him an honor as durable as the memory of the disgrace of the minister who made it.

But, apart from personal considerations, the perfidious attempt of D'Yrujo is an offence.

First ; against the United States :

Second ; the law of nations

It is a position universally admitted, and a deviation from it is co-extensively condemned, that a minister of a foreign power cannot of right intermeddle in the affairs of the government by which he is accredited.— Numerous examples might be drawn from writers on the law of nations, as well as those on the principles of a sovereign and independent state, corroborative of the maxim, but it is too self-evident to require illustration. The principle itself is plain. Interference produces factions, and these, nourished by the wealth and backed by the power of a foreign nation, might subvert the government.

The commencement of D'Yrujo's insidious remarks to Major Jackson, are not only an impertinent intermeddling with our government, but an insulting and outrageous criticism upon it.

government, and indifferent whence it arose. Where D'Yrujo's complaints were indistinct, they made them palpable and glaring. In a word, their conduct had induced him to presume upon their infidelity to our government and readiness to serve his Catholic majesty. See *Appendix, No. 2.*

“By a political *intolerance*, he says, “you have been forced to adopt a profession different from what you have heretofore pursued, but it is one in which you are *qualified to be very useful!* I observe by certain opinions expressed in your paper, that you consider the present administration—for *I will not call it GOVERNMENT!*—as disinclined to go to war with Spain, &c.”

Considering language so extraneous from the functions of a resident minister, and offensive to the people and government of the United States, it is difficult to keep one's temper within moderate bounds.

Intolerance! It will not be affirmed that the Minister of his Catholic Majesty had even the shadow of a right to express to a Citizen of the United States, this opinion of his Government, especially when the *quo animo* is considered. That this was hostile will be conceded when the tenor of his remarks to Major Jackson, as detailed in his deposition, is viewed in all its aspects. Reasoning upon this, it irresistibly appears that the design of the Spanish Minister was to embody and foment faction. Nothing is so unpropitious to our freedom and independence as machinations of this kind. The imaginary dangers apprehended by some from the clashing opinions of our citizens, vanish before them. Pursuing justice through all her obvious courses, we may defy attacks from without, but it requires the sternest virtue to resist the corrupt artifices of a minister within.

NEW-YORK, SEPTEMBER 26, 1804.

LETTER, NO. III.

BUT if our indignation be excited by the Marquis D'Yrujo's accusation of *Intolerance*, it will mount as we reflect upon his accompanying observations.

“Your *administration*,” says the Marquis, (“for I will not call them *government*” !)

This contemptuous expression in an interview with the Editor of a Daily Gazette, solicited to tamper with his allegiance to his government, will be more correctly conceived than delineated. To a minister of a foreign power, the form and nature of the government to which he is sent, are matters perfectly immaterial, and there is no relation between Nation and Nation more clearly established than that both are irrelative to the purposes of his mission. The right in this case to censure, involves the right to resist, which cannot be admitted in the most trivial degree in any wise to appertain to a resident minister of a foreign power.

Admitting then, for the sake of an inference only, that our government is as mean as the reflection implies, are we, in addition to the supposed misfortune, to be insulted by the criticisms of a foreign minister?

An interference so indelicate, an opinion at once so extraneous and offensive, was not to have been expected from the minister of his Catholic Majesty. Petulant re-

crimination and retort will not however be indulged; nor is it necessary to write commendations on our government, which, with unexampled solicitude, conciliates our affections, cherishes our freedom, preserves our quiet, increases our prosperity, and augments our strength; but I cannot help observing that the intelligent citizens of the United States had not expected lessons from the minister of a despotic prince on the maxims and practice of a free government!

The means by which attempts were made to seduce Major Jackson from fealty to his government, were but little less odious than the instruments by which it was intended he should contend against it in the service of Spain. It is asserted by the Marquis D'Yrujo in the interview, that "He had no doubt that *war* was the object of our administration, for he had received a letter from New-Orleans, dated on the 25th of April last, which stated that there was a letter in that place in Mr. Jefferson's hand writing, dated March last, which declared that if the settlers between the Mississippi and the Rio Perdido would raise the American colours, they should be supported."*

The Marquis D'Yrujo either believed or disbelieved the existence of such a letter; if he disbelieved it, how will he justify the calumny? If he believed it, we have it from Mr. Jefferson that he neither wrote, directed to be written, nor was privy to the writing of such a letter.

But I conjecture, although it may be deemed indecorous to express the conjecture, that the Marquis D'Yrujo did not believe that the President wrote the letter

* See appendix, No. 1.

which he thus insidiously imputes to him. I conceive the attempt to have been a diplomatic artifice designed increase in Major Jackson that opposition to government which the minister had gladly witnessed, and to inflame the criminal resentment which he hoped to kindle. If I am right in this conjecture the conduct of the Marquis would appear still more reprehensible.

This censurable conduct is heightened, and that opinion corroborated, by a previous publication, of whose source we cannot now entertain a doubt. It had already been stated in Mr. Relf's Philadelphia Gazette, that the President had written letters exciting revolt in the territory between the Rivers Mississippi and Perdido.

Independent, however, of the disavowal of Mr. Jefferson, which is sufficient for every purpose, there are internal reasons which refute the calumny.

It might be enough to mention the *character* of the President, who was never known to stoop to intrigue derogating from its purity, or injurious to the honor or interest of his country.

But lest it should not, I may remark, that to excite revolt in the territory between the rivers Mississippi and Perdido would be treason against the Union. This territory is included within the ceded Louisiana. The act of Congress of February 24th, 1804, authorising the President "to erect the shores, waters, and inlets of the bay and river Mobile, and of the other rivers, creeks, inlets, and bays, emptying into the Gulf of Mexico, east of the said river Mobile, and west thereof to the Pascagola, inclusive, into a separate district and to establish," &c. expressly recognizes this territory in

fact, as well as by name, with the exception of the *Perdido*, which, although not mentioned, is well understood. There was no occasion, therefore, for the President to offer "protection to the people of this territory in case of raising the American Colours," for these were already the legitimate standard of the country.

To effect his seductive purposes, to alienate the affections of Major Jackson from his country, and enlist his services against it in behalf of his Catholic Majesty, it then appears that the Marquis D'Yrujo branded the government with intolerance, spoke of it as *unworthy of the name*, and, in public and private, charged the executive with a treasonable offence—with a plot to stir up the people of the United States to revolt.

To crown his detraction, addressing himself to Major Jackson, he says,

"If you will consent to take elucidations on the subject from me, I will furnish them, and I will make you *any acknowledgments.*"

Can this language be mistaken? The subject was the unadjusted differences between the United States and his Catholic Majesty, on which he had already remarked that our government wished to go to *war*, and in case of which he had menaced us with "three ships of the line and six frigates to the Mississippi; three ships of the line and six frigates to the Chesapeake," and the like number to "Sandy Hook."

It cannot be mistaken when the language is viewed in all its aspects.

“ I consider you, sir, said the Marquis, as a gentleman, a man of letters, and a man of honor.”

“ By a political intolerance you have been forced to adopt a profession different from what you have heretofore pursued—but it is one in which you are qualified to be very useful!”

Recollecting that Major Jackson was an oppositionist, and had already published, with acclamation, the “ *tracts of letters*,” he then, supposing it would be agreeable, sallies out in abuse of the government, and concludes with offering him “ *any* acknowledgments,” in case he would enter into his views. Was not this as blunt a tender of a bribe as one gentleman could well make to another?

Seek for any intention in the courted interview but seduction, or any other means but *bribery*, and you will be disappointed.

Suppose the “ *any* acknowledgments” were but intended as a compensation for the omission of advertisements to make room for the “ *elucidations*” of the Marquis, and it will appear that the delicately solicited interview, the courtly urbanity exhibited, the flattering personal compliments paid, and the *pecuniary* offer to *any* amount, were unnecessary.

In the first place, it is unusual to tender on the one side, or request or receive on the other, pecuniary compensation for communications of essays or articles of intelligence; and in the second, Major Jackson had already gone, in opposing the government in favour of the projects of Spain, as far as he well could, without allying

himself with the minister of a foreign power in faction and revolt. He had reached the *ne plus ultra* of constitutional opposition. One step farther would either have carried him into the arms of a foreign nation, or subjected him to the penalty of the law.

The former alternative he avoided, but did not resist the overture in a manner suited to its offence. In such cases there is a mode of dignified repulse which reason and custom authorize, and personal honor and permanent national welfare dictate, but with which Major Jackson seems to have been unacquainted.

Vattel, in his chapter on the "rights, privileges, and immunities of Ambassadors, and other public ministers," is explicit on this subject. He says, "if a sovereign minister offends a citizen, the latter may oppose him without departing from the respect due to the character, and give him a lesson which shall both efface the stain of the outrage, and expose the author of it. The person offended may further prefer a complaint to his sovereign, who will demand of the minister's master a just satisfaction."*

Waving his right to give the Marquis such a *lesson as would efface the stain of the outrage*, Major Jackson very properly complained to the President, in whom, in cases of this nature, the sovereign authority is lodged.

I am satisfied that every thing will be done by the Executive which the honor and interest of the country require. It may not, however, be amiss to see what steps, in cases of this nature, the Law of Nations warrants.

* Law of Nations, New-York Edit. p. 158.

‘ The custom,’ says the same excellent author, ‘ of
 ‘ keeping every where ministers continually resident,
 ‘ is now so strongly established, that the refusal of a
 ‘ conformity to it would, without very good reasons,
 ‘ give offence. These reasons may arise from particu-
 ‘ lar conjectures ; but there are also common reasons
 ‘ always subsisting, and such as relate to the constitu-
 ‘ tion of a government and state of a nation. The Re-
 ‘ publics have often very good reasons of the latter kind,
 ‘ to excuse themselves from continually suffering foreign
 ‘ ministers, who *corrupt the citizens in order to gain*
 ‘ *them over to their masters*, to the great prejudice of the
 ‘ Republic, and fomenting of the parties, &c.”*

This extract is in point. The Marquis D’Yrujo has endeavoured to *corrupt* a citizen, and *foment parties*. How far, or whether this odious offence would excuse the United States from admitting among us, in future, a minister from his Catholic Majesty, is not made a question, for I am of those who deem reciprocal residencies of this kind as indispensable. Besides, Spain *may* be innocent though her minister be guilty. But as *corrupting citizens and fomenting parties* by a foreign minister are acknowledged offences against the Law of Nations, let us see what punishment that law prescribes.

Speaking of the sacred character of ambassadors and ministers, and the privileges which thence result, Vattel says,

‘ Notwithstanding this privilege, when the ambassa-
 ‘ dor himself has violated the Law of Nations, by form-
 ‘ ing, or countenancing, plots, or conspiracies, against
 ‘ the state, his *papers may be seized*, for discovering the

‘ whole secret, and knowing the accomplices; on such
 ‘ an exigency, he may be personally put under arrest,
 ‘ and interrogated.’*

It were, in a degree, hardihood to say that the attempt of the Marquis D’Yrujo to *corrupt* Major Jackson and *foment parties* among us, is exactly analogous to, or comes precisely within the meaning of, the passage just cited; the difference, however, if any, is so trivial, that it is scarcely distinguishable. Certainly the tenor of his conduct evinces that he has “*countenanced*,” if he has not “*formed, plots against the state*,” and in regard to the extent, we are left to conjecture. To be sure we are not greatly alarmed, nor am I clear that the attempt to *form*, and the *actually countenancing* “plots,” are of sufficient magnitude to warrant the *seizure of his papers* or the *putting of his person* under arrest. These measures are confided to the Executive, who will do what is right in the case. But I may be allowed to say that so signal an offence merits a signal punishment.

* Law of Nations, p. 561.

NEW-YORK, OCTOBER 1, 1804.

LETTER, NO. IV.

HAVING finished our introductory observations, we proceed to consider the reasons assigned by his Catholic Majesty for refusing to ratify the convention of 1802. These are,

“ First. That time be allowed his Catholic Majesty
“ to give notice to his subjects at home and abroad of
“ the convention, which has not been done, as his Catholic Majesty considered it totally abandoned by the
“ American government.

“ Second. That the article which it contains relating
“ to prizes carried into Spanish ports by French cruizers, be totally expunged, and all claims on the Spanish government on that account be forever relinquished.

“ Third. That the act of the United States of February 24, 1804, authorizing the President to establish one or more ports on the Mobile River, be immediately repealed.”

These reasons are assigned in the diplomatic *extracts of letters*, and the subsequent defence of Spain by the Marquis D'Yrujo, under the signature of *Graviosa Manent*. Other existing causes induce the belief that they are correctly stated.

The former branch of the first objection is immaterial; perhaps unprecedented, and I cannot imagine

his Catholic Majesty intends it should be seriously urged to our government as an apology for refusing to ratify the convention. If the ratification of treaties is to be suspended by his Catholic Majesty until he has notified his near and distant subjects of their contents, but few nations would wish to have or continue relations with him. Besides, why this previous notification? To obtain the consent of his subjects? This is not the prerequisite of any government, and yet we cannot perceive the force of the objection unless it be wholly founded upon this absurdity.

And the latter part of the objection is but of moment as it furnishes ground for misrepresentation to some and aspersion to others among us. I believe it was thrown out with these views, and they have not been entirely unanswered.

Accounting for the delay of the ratification by our government, which *Graviores Manent* is willing to believe authorizes to an infinite period of time a postponement on the part of Spain, I mentioned facts which seem to have nettled Mr. Coleman, and have called forth a reply which affords argument for its own refutation.

I stated that early in the session of Congress of 1803, the minority in the Senate, joined by a republican member, rejected the treaty, and that afterwards, availing himself of an article in the rules of the house, he moved for a re-consideration of the rejecting vote and succeeded in his motion; but that still, the republican members, failing in number of two-thirds, the constitutional majority in ratifying treaties, all further consideration of the convention was postponed to the session of 1804.

Aware of the inferences necessarily and obviously resulting from the premature and unfavourable opposition of the minority, viz. embarrassment to the government and an indefinite postponement of the restoration of the adjudicated property of our merchants, Mr. Coleman very indiscreetly made the following defence.

“ It is admitted on all hands that the convention was signed at Madrid the 11th of August, 1802, and sent over for ratification. It has been stated in some of the papers that the President, instead of laying it before the Senate the first opportunity, kept it in his pocket an improper length of time.* Whether this was so we will not undertake to determine, if it was, circumstances presently to be related, will render the motive apparent. In the following session of 1802-3, he submitted the convention to the constitutional body, the Senate, for ratification. It was accordingly brought into debate, and after debate, negatived, not however by the addition of a single democratic vote to the federal votes, as stated in the Citizen, nor was it owing to the ‘ factious animosity of those called federal men in the Senate,’ as asserted by Duane, but, if not unanimously, at least very nearly so ; it is be-

* It is surprising that this calumny, originally propagated in the United States’ Gazette, should be here repeated by strong insinuation. We had supposed that our former remarks on this subject were so candid and irrefutable as to silence opposition.—If Mr. Coleman has attended to dates, his insinuation is without an excuse ; if he has not, ignorance is an apology inadequate to the offence.

I must here repeat, what I have in another place stated, that the convention was signed at Madrid, August the 11th, 1802. In all probability it did not arrive at Washington earlier than the following December. On the 14th February, 1803, the debate in the Senate on the interdiction of our right of deposit at New-Orleans was commenced. In this debate frequent allusion is made to the convention, which must, of course, have been some time before the Senate ; how long we cannot exactly say. But of this we are certain, that the President could have had no peculiar inducement for unnecessarily delaying its transmission to that body, and we are persuaded by these facts that no such delay took place.

“ lieved the Journals of the Senate, if referred to, will
 “ shew the rejection was unanimous.”

Assertion may be opposed to assertion, and it may be added that the opinion here given is founded in information equal in correctness to mine. There is no such thing as deciding between us by reference to authoritative documents, of which I presume Mr. Coleman was aware ; for none can have access to the executive journals of the Senate, (which are never published) but the members. I must insist, however, that the federal members of the Senate were joined *but by one republican* ; that by this conjunction of usually opposing strength the convention was, in the first instance, negatived, and that afterwards it was restored to the house and subsequently ratified, as I have in another place stated.

But there is no occasion to resort, even if we could, to the executive journals of the Senate to settle the controverted point, for Mr. Coleman, searching for arguments to refute my remarks, has furnished them in abundance to defeat his own.

He says, “ the convention was accordingly brought
 “ into debate, and after debate, negatived ; not however
 “ by the addition of a single democratic vote to the federal votes, as stated in the Citizen ; but, if not *unanimously*, at least *very nearly so* ; it is believed the
 “ journals of the Senate, if referred to, will show the
 “ rejection was *unanimous*.”

It may excite emotions of surprize that Mr. Coleman could not hit upon argument and device more skilful. Suppose the ratification of the convention was, in the first instance, negatived, I will not say with him, “ *una-*

“*nimously*,” but, “*nearly so*,” how will he satisfactorily account for bringing it again before the house by a *majority*, upon a motion for reconsideration? Taking what he deems his safest expression “*nearly unanimous*,” and allowing him the best chance to escape from the dilemma, it will be admitted that “*nearly unanimous*” imports, at least, a *majority*. This is the most favourable point of view in which the sentence can be placed.

It is conceded that a reconsideration was had, and that to effect it requires a *majority* of the members. Did a moiety of those who in the first instance negatived the ratification, rescind their vote, and, upon the question for reconsideration, shrink from their original purpose? Were they by the stings of conscience, by a sudden and transient glance at the distresses of our merchants, alarmed into acquiescence? The public will most likely agree with me, that those who after previous deliberation, had calmly and systematically rejected the convention, would not vote for the reconsideration, and unless they did, it is evident it could not have taken place. These remarks are perhaps sufficient to evince that a *majority* of the members, much less the whole, or nearly so, as asserted by Mr. Coleman, did not negative the ratification. By how many short of a majority, the public will judge. I must, however, insist that the rejection was effected *solely* by the federal members, aided, as I at first remarked, by *one* republican vote *only*.

I now turn to the noble Marquis D'Yrujo; but as a feeble, a temporising effort is made, in the National Intelligencer, to impair public faith in the reasons every where assigned for his Catholic Majesty's rejection of the convention, it may be proper to notice the ill-timed and spiritless publication.

After speaking of further "negociation and explanation," as if in gradual and perpetual sinking there is no point of national humiliation and disgrace, Mr. Smith, editor of the National Intelligencer, asks :

"But is it so clear that the conduct of Spain demands a declaration of war from the United States? To decide this question it is necessary to enquire what that conduct is. Taking the information of the news-papers (which though it *may not be correct*, is the only information before the public, and consequently constitutes the only materials on which they can judge) it appears that Spain has refused to ratify the convention for satisfying the claims of our merchants for spoliated property, except on certain conditions. These are so absurd as to render their reality extremely doubtful. Their specification *evidently seems* to flow from an interested quarter, and exposes them to suspicion of great exaggeration."

To me it is clear that the conduct of Spain does authorise and render necessary a prompt declaration of war from the United States, and it is unaccountable why it does not present itself to Mr. Smith in the same aspect.—This gentleman admits that, according to "*News-Paper information*," there are but substantially two points in dispute between the United States and his Catholic Majesty; first, reparation for spoliated property; second, the clashing claims of the two governments in relation to the *Eastern* boundary of Louisiana. I will test the soundness of his opinions by his own doctrine.

Mr. Smith has satisfactorily shewn that the River *Perdido* is the *Eastern* boundary of Louisiana, as cedèd to

us by France, and previously retroceded by Spain to her. For this our government contends, and from it we cannot in my opinion recede without becoming, what we never can become, a fief to the Spanish monarchy. Be this, however, as it may, it is clear from what he himself has written, that the Perdido is the well settled Eastern limit of Louisiana.

There is then but one point—the unsatisfied and enormous claims of our merchants. Are these nothing? Is Mr. Smith prepared to yield them to Spanish rapacity and Castilian haughtiness? I hope not; but if he is, there is virtue and spirit enough in the country to enforce them. That these claims are just, I shall in the sequel establish. Are they then, to avert war with a feeble monarchy, to be relinquished?

But we must explain and negotiate. Explanation and negotiation are excellent in their place, but it ill-comports with national interest and dignity to use them as a spaniel.

What has our attentive and upright minister been doing at Madrid for near two years? Explaining and negotiating, and what he has explained has been purposely ravelled, what he has negotiated has been insolently undone. Spain has refused to satisfy our claims for spoliated property, and, in addition, has *demande*d from our government the abrogation of an important law! Will special embassies induce her to be more just, more mild, less exorbitant in her demands? Perhaps so, but I doubt it, and strong^{ly} tion the expediency which would dictate them.

We are however told r. Smith, in an air of af-

fect ed sagacity, that we have before us nothing but *news-paper information*, which *may* not be correct.

I question whether Mr. Smith is faithful to himself in the remark, for I am willing to think well of his understanding. The *news-paper information* comes from the Marquis D'Yrujo, and although it is an interested source, it is backed by circumstances too numerous and imposing to resist belief.

Mr. Pinckney, it is presumed, was charged by our government to demand his passport in case his Catholic Majesty refused to accede to suitable stipulations for satisfying the claims of our merchants. He *has* refused, and Mr. Pinckney has accordingly demanded the usual passport and is now on his way home.

Apart from the information derived from the Marquis D'Yrujo, it is well ascertained that the Spanish government claims, what ours will not yield, all that territory which lies between Lake Pontchartrain, and the River Perdido.

Of the nature of our commercial claims we have information from high and undoubted authority.

In the debate in the Senate of the United States on the interdiction of our right of deposite at New-Orleans, Mr. Wright, of Maryland, adverting to the convention in question, thus enumerates the aggressions of Spain :

“ They have captured our vessels and imprisoned our
“ seamen.

“ They have permitted the French to fit out priva-
“ teers in their ports to cruise against our commerce.

“ They have permitted French Consuls in Spanish
 “ ports to condemn our vessels taken by French crui-
 “ sers.”*

These aggressions were admitted on both sides of the house, and the extracts correspond with that *news-paper information* which, with oracular wisdom, Mr. Smith says, *may be correct*. He will allow me to add that it *is* so. We recur to the second *demand* of his Catholic Majesty, viz.

“ That the article contained in the convention, relat-
 “ ing to prizes carried into Spanish ports, by French
 “ cruisers, be totally expunged, and all claims on the
 “ Spanish government on that account, forever relin-
 “ quished.”

It will be difficult for the most prespicacious to perceive, in the rejection of the convention, aught but determined hostility on the part of Spain. I declare this opinion with freedom, for to me the conclusion is clear and irresistible.

The convention embraces two points distinct for apposite consideration, but identical in nature.

First. Vessels and cargoes illegally captured and condemned by *Spain*.

Second. Vessels and cargoes irregularly captured by *French* ships fitted out in *Spanish ports*, and illegally condemned in the same, by *French consuls and other tribunals*. Both are in contemplation of national law, as

* See Duane's report of the debate.

well as of our treaty with Spain, of 1795, one and the same offence, and they are but divided for conveniency of discussion.

The convention of 1802, signed at Madrid by the plenipotentiaries of the respective nations, recognizes and makes provision for reparation of vessels and cargoes captured by *Spanish ships*, and improperly condemned by *Spanish tribunals*.

And it contains the following article relative to vessels and cargoes captured by *French ships*, and condemned by *French tribunals* in *Spanish ports*.

Sixth. "It not having been possible for the said plenipotentiaries to agree upon a mode, by which the above-mentioned board of commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, consuls or tribunals, in their respective territories, which might be imputable to the two governments, they have expressly agreed that each government shall reserve (as it does by this convention) to itself, its subjects, or citizens, respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them."

Although by this article it appears, that the two governments could not, when the convention was signed, agree upon stipulations of reparation for our vessels and cargoes captured by *French ships*, and condemned in *Spanish ports* by *French tribunals*, yet our right to demand redress is *expressly reserved*.

Captures and condemnations of vessels and cargoes

of the first class, those made by the authority of *Spain*, amount in number to *one hundred and thirteen*. It would be a low estimate to value these, on an average, at \$25,000 each, amounting in gross to \$2,825,000.

Those of the second class, captures of our vessels and cargoes by *French* ships fitted out in *Spanish ports*, and condemned in the same by *French* tribunals, amount in number to *one hundred and twelve*, which, agreeably to the same estimate, make the sum of \$2,800,000. The aggregate value of our vessels and cargoes captured and condemned by the ships and tribunals of the two nations, (according to our estimate, which is perhaps not too high) is *five millions six hundred and twenty-five thousand dollars*.

Let me ask on what principle Spain has refused to ratify the convention, for this enjoins no more than just reparation for our captured vessels and cargoes, which in the previous discussion, and by signing the convention, she admits have been illegally condemned by Spanish tribunals? It would puzzle a virtuoso in diplomacy to give any other answer than a *determination not to do us justice*.

But we are told by the Marquis D'Yrujo, that his Catholic Majesty makes a previous demand of the *erasure* from the convention of the article relating to the second class. If this be so, and the demand is the *ultimatum* of the Spanish court, war is inevitable, for it simply reserves to us the *right to claim*, which we cannot either in justice or honor relinquish.

By the law of nations, as well as by every principle of equity, our right to reparation is as entire and undoubt-

ed in this as in the first class, and the urgency and expediency of enforcing it, have become equally peremptory and indispensable.

Without, however, troubling myself or wearying the reader with extracts from well known writings on the one, or recondite arguments drawn from the pure and obvious precepts of the other, our right to claim, and the duty of Spain to yield, prompt reparation, are plain. The treaty of San Lorenzo et Real, concluded between the United States and Spain in 1795, and ratified by the respective governments the following year, satisfactorily establishes this point.

Article 6 of this treaty says, " Each party shall endeavour, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land, and shall use all their efforts to recover, and cause to be recovered to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the subjects who have taken possession of the said effects."

This article is in point and determines it in our favour beyond a doubt. Spain undertakes to " protect and defend our vessels and other effects within the extent of her jurisdiction, by sea or by land ; to use all her efforts to recover, and *cause to be recovered to the right owners*, their vessels and effects which may have been taken from them, *within the jurisdiction of Spain*, whether they are at war or not with the subjects who have taken possession of the said effects."

Now the simple question is, have the vessels and cargoes, mentioned in the second class, been taken from us "*within the jurisdiction of Spain,*" as expressly stipulated in this article? And the answer is equally simple: if they have not been taken by *French* vessels, and illegally condemned "*within the jurisdiction of Spain*" by French tribunals, our claim for the restoration of such property, even if stipulated for in conformity to the reservation in the convention, which Spain has refused to ratify, would neither issue in inconvenience nor expence.

But whatever may be the inconvenience, whatever the amount of our plundered property, Spain is sacredly pledged to us, in the treaty of 1796, to satisfy our claims, and unless she does, there remains no alternative but the last appeal. We must resort to the arm of the nation to enforce justice.

NEW-YORK, OCTOBER 8, 1804.

LETTER, NO. V.

ON the subject of our claims upon Spain for spoliations committed upon our vessels and cargoes by tribunals within her jurisdiction, there is but one opinion among us, and this is that they are just, and therefore cannot, in any event, be relinquished.

A difference, however, has arisen between the United States and Spain in respect to the *eastern* boundary of *Louisiana*. Congress has by law included within this boundary, territory *east* of the river *Mobile*. Spain has taken umbrage at this inclusion, and considers it, or affects to consider it, an invasion of her territory. The question what is or is not the *eastern* limit of *Louisiana*, according to the terms of the treaty of cession by France to us? is new and intricate, and I am afraid the discussion of it will require more time and attention from the reader than he is willing to bestow, although the subject is, in every point of view, extremely interesting to the United States. I have paid some attention to it, and now submit the result of my enquiries, with all that brevity which is consistent with a correct understanding of a subject but little agitated and perhaps less understood.

The treaty of cession, concluded at Paris the 30th of April, 1803, between the United States and France, was ratified by our government on the 20th of October of the same year. On the 21st of February, 1802, congress passed an act "*for laying and collecting duties on imports and tonnage within the territories ceded to the*

“ *United States by the treaty of the thirtieth of April, 1803, between the United States and the French Republic.*” This act contains the ensuing section.

“ Section II. And be it further enacted, That the President of the United States be, and he is hereby authorized, whenever he shall deem it expedient, to erect the Shores, Waters and Inlets of the Bay and River Mobile, and of the other Rivers, Creeks, Inlets and Bays emptying into the Gulf of Mexico, *east** of the said River Mobile, and west thereof to the Pascagola, inclusive, into a separate district, and to establish such place within the same, as he shall deem expedient, to be the port of entry and delivery for such district, and to designate such other places, within the same district, not exceeding two, to be ports of delivery only.”

Spain *demand*s the immediate *repeal* of the law containing this section, and the demand is founded on the supposition that Louisiana, as ceded to us, extends no further *east* than the River Iberville, and the Lakes Maurepas and Portchartrain, which form the *eastern* precinct of the Island of New-Orleans. She admits that Louisiana includes this island, but denies that it extends farther *east*.

On the contrary, according to the interpretation of our government, upon which the section is founded, Louisiana not only includes the Island of New-Orleans and the River Mobile, but extends *east* to the *Perdid*. Congress and the Executive maintain, and have justly

* It would have been more satisfactory had Congress specified in the act *how far east* of the *Mobile* was claimed. The term *east* of the *Mobile*, without saying *how far east*, is indefinite.

and wisely given to their opinion the force of law, that the *River Perdido* is, agreeably to the treaty of cession, the *true eastern limit of Louisiana*. If this interpretation be correct, and there exists no solid reason to doubt it; Louisiana includes one half of what, from the year 1763, to the year 1783, and neither before nor since, was correctly termed *West Florida*. The position of our government then is, and it is that for which we contend, that *Louisiana extends east to the River Perdido*.

The assertion of this claim on the one hand, and the denial of it on the other, are founded on the ceding article in the treaty of cession formed between the United States and France, on the thirtieth of April, 1803. It is in these words.

“ The First Consul of the French Republic, desiring
“ to give to the United States a strong proof of his
“ friendship, doth hereby cede to the United States, in
“ the name of the French Republic, forever and in full
“ sovereignty, the colony or province of Louisiana, *with*
“ *the same extent that it now has in the hands of Spain,*
“ *and that it had when France possessed it, and such as it*
“ *should be after the treaties subsequently entered into be-*
“ *tween Spain and other States.*”

Three distinct questions naturally grow out of the words in *italics*, although in the end they are all necessarily resolved into one and the same.

What was the extent (*or eastern limit*)* of Louisiana when in the hands of Spain?

* I shall use “*extent*” and *eastern boundary or limit* indifferently, since it is but the latter that is in dispute. About the north, south, and west extent or boundary there is no difference of opinion. The question is simply the *eastern boundary or extent*.

What when possessed by France?

What after the treaties subsequently entered into between Spain and other states?

The correct answer to the first, will be the true solution to the second query. To ascertain what the extent of Louisiana was when in the hands of Spain, we must determine what it was when Louisiana was possessed by France, for this territory was first owned by France and afterwards transferred by her to Spain. The extent of Louisiana when possessed by France, was precisely the same as the extent of Louisiana when in the hands of Spain. Spain received it from France, and France gave as she possessed it.

What then was the boundary of Louisiana when possessed by France? Patience and research are essential to the enquiry. We must go back to its discovery, trace its settlement, ascertain its boundary, and note its various transfers from nation to nation up to its cession to us.

Florida, of which we shall hereafter more distinctly speak, was discovered by the Spaniards, and, previous to the discovery of the Mississippi and Louisiana by the French, was, in some degree, settled by them as far west as *Pensacola*, but no further. At *Pensacola*, the western extremity of the Spanish settlements in Florida, the Spaniards built a fort. "After the discovery of Florida," says Du Pratz, "it was with a jealous eye the Spaniards saw the French settle there in 1564, under Rene de Laudonniere, sent there by the Admiral Coligni, where he built Fort *Carolin*, the ruins of which are still to be seen above the *Fort of Pensacola*. There the Spaniards, after some time, attacked them,

“ and, forcing them to capitulate, cruelly murdered
 “ them, without any regard had to the treaty concluded
 “ between them. As France was at that time involved
 “ in the calamities of a religious war, this act of barbarity
 “ had remained unresented, had not a single man of
 “ *Mont Marsin*, named *Dominique de Gourges*, attempt-
 “ ed, in the name of the nation, to take vengeance there-
 “ of. In 1567, having fitted out a vessel, and sailed for
 “ *Florida*, he took three forts built by the Spaniards,
 “ and after killing many of them in the several attacks
 “ he made, hanged the rest ; and having settled there a
 “ new post, returned to *France*. But the disorders of
 “ the state having prevented the maintaining that post,
 “ the Spaniards soon after re-took possession of the
 “ country, where they remain to this day.”*

From this we learn that Spain, by right of discovery, claimed *Florida*, and maintained that it extended west as far as the River *Pensacola*. She therefore considered the building of Fort *Carolin* by the French, the “ ruins
 “ of which may still be seen above the Fort of Pensaco-
 “ la,” as an infringement on her territory. Here arose the first contest between France and Spain in this new country; Spain claiming *Florida*, and insisting that it extended west to *Pensacola*; France, endeavouring to possess and maintain a footing in what Spain, agreeably to usage, viewed as her exclusive territory.

“ From that time (the return of de Gourges from
 “ *Florida*) the French seemed to have dropped all
 “ thoughts of that coast, when the wars in Canada with the
 “ natives afforded them the knowledge of the vast coun-

* History of Louisiana, vol. 1. p. 3. London Edition of 1763.

Du Pratz published his history in France in 1758. He was a French officer of distinction, and had resided in Louisiana in that capacity 16 years.

“ try (Louisiana) they are possessed of at this day. In
 “ one of these wars, *Father Hennepin* was taken and car-
 “ ried to the *Illinois*. As he had some skill in Surgery,
 “ he proved serviceable to that people, and was kindly
 “ treated by them ; and being at full liberty, he travelled
 “ over the country, following for a considerable time the
 “ banks of the *Mississippi*, without being able to proceed
 “ to its mouth. However, he failed not to take posses-
 “ sion of that country in the name of *Louis XIV.* calling
 “ it *Louisiana*. Providence having facilitated his return
 “ to *Canada*, he gave the most advantageous account of
 “ all he had seen, and after his return to France, drew
 “ up a relation thereof, dedicated to *M. Colbert*.

“ The account he gave of *Louisiana*, failed not to pro-
 “ duce its good effects. *M. de la Salle*, equally famous
 “ for his misfortunes and his courage, undertook to tra-
 “ verse these unknown countries quite to the sea. In
 “ January, 1679, he set out from *Quebec* with a large de-
 “ tachment, and being come among the *Illinois*, there
 “ built the first fort France ever had in that country,
 “ and left a good garrison under the command of the
 “ *Chevalier de Tonti*. From thence he went down the
 “ River *Mississippi* quite to its mouth,* which, as has
 “ been said, is in the Gulf of Mexico ; and having made
 “ observations and taken the elevation in the best man-
 “ ner he could, returned by the same way to *Quebec*,
 “ from whence he passed over to France.

“ After giving particulars of his journey to *M. Col-*
 “ bert, that great minister, who knew of what impor-
 “ tance it was to the state to make sure of so fine and
 “ extensive a country, scrupled not to allow him a ship

* This was the first discovery of the mouth of the *Mississippi* by an
 European power.

“ and a small frigate in order to find out, *by the way of*
 “ *the Gulf of Mexico*, the mouth of the Mississippi. He
 “ set sail in 1685, but his observations not having had
 “ all the justness requisite, after arriving in the Gulf, he
 “ got beyond the river, and running too far *westward*
 “ entered the Bay of St. Bernard; and some misunder-
 “ standing happening between him and the officers of the
 “ vessel, he debarked with the men under his command,
 “ and having settled a post in that place, undertook to
 “ go by land in quest of the great river. But after a
 “ march of several days, some of his people, irritated
 “ on account of the fatigue he exposed them to, avail-
 “ ing themselves of an opportunity when separated from
 “ the rest of his men, *basely assassinated him*. The sol-
 “ diers, though deprived of their commander, still con-
 “ tinued their route, and, after crossing many rivers,
 “ arrived at length at the *Arkansas*,* where they unex-
 “ pectedly found a French post lately settled. The Che-
 “ valier de Tonti was gone to the fort of the *Illinois*,
 “ quite to the mouth of the river, about the time he
 “ judged M. de la Salle might have arrived by sea, and
 “ not finding him was gone up again in order to return
 “ to his post; and, in his way, entering the river of the
 “ *Arkansas*, quite to the village of that nation with whom
 he made an alliance, some of his people insisted they
 “ might be allowed to settle there, which was agreed to,
 “ he leaving ten of them in that place.†

“ The report of the pleasantness of Louisiana spread-
 “ ing through Canada, many *Frenchmen* of that country
 “ repaired to settle there, dispersing themselves at plea-
 “ sure along the river Mississippi, and even on some
 “ islands on the coast, *and on the river Mobile*.

F

* North West branch of the Mississippi river.

† Du Pratz History of Louisiana, vol. 1. p. 4 to 6.

“ *Louisiana* remained in this neglected state till M. d’Iberville, having discovered, in 1798, the mouths of the river *Mississippi*, and being nominated Governor-General of that vast country, carried thither the *first colony* in 1699.

“ The settlement was made on the *river Mobile*, with all the facility that could be wished.*”

We then find that about the year 1678, the French discovered the river *Mississippi*, with its contiguous and vast land on both sides, which, in honor of Louis the XIVth. they called *Louisiana*; that in 1685, a settlement was made by the followers of the unfortunate La Salle, on the *Arkansas*, one of the branches of the *Mississippi*; that in 1698, M. d’Iberville was appointed Governor-General of *Louisiana* by Louis the XIVth; that he carried thither the *first colony* in 1699, and that he made the first important settlement on the *river Mobile*, but ten leagues west of the *river Perdido*.

“ The war which *Louis* the XIVth had to maintain, continues Du Pratz, and the pressing necessities of the state, continually engrossed the attention of the ministry, nor allowed them time to think of *Louisiana*.

“ What was then thought most adviseable, was to make a grant of it to some rich person, who finding it his interest to improve that country, would at the same time that he promoted his own interest, promote that of the state. *Louisiana* was thus granted to *Monsieur Crozat*.”† The grant is dated Sept. 14, 1712, and the parts of it relating to the subject in discussion are as follow.

* Du Pratz History of Louisiana, vol. 1. p. 7 to 8. † Ibid, p. 8.

" Louis, by the grace of God, King of France and
 " Navarre: To all who shall see these letters, greeting.
 " The care we have always had to procure the welfare
 " and advantage of our subjects having induced us, not-
 " withstanding the almost continual wars which we have
 " been obliged to support from the beginning of our
 " reign, to seek for all possible opportunities of enlarg-
 " ing and extending the trade of our American colonies,
 " we did in the year 1683, give our orders to undertake
 " a discovery of the countries and lands which are si-
 " tuated in the northern part of America, between New
 " France and New Mexico. And the Sieur de la Salle,
 " to whom we committed that enterprize, having had
 " success enough to confirm a belief that a communica-
 " tion might be settled from New France to the Gulf of
 " Mexico, by means of large rivers; this obliged us im-
 " mediately after the peace of Ryswick to give orders
 " for the establishing a colony there, and maintaining a
 " garrison, *which has kept and preserved the possession,*
 " we had taken in the year 1683, of the lands, coasts
 " and islands which are situated in the gulf of Mexico,
 " between Carolina on the east, and Old and New Mexi-
 " co on the west. But a new war having broke out in
 " Europe shortly after, there was no possibility, till now,
 " of reaping from that new colony the advantages that
 " might have been expected from thence, because the
 " private men, who are concerned in the sea trade were
 " all under engagements with other colonies which they
 " have been obliged to follow: And WHEREAS upon
 " the information we have received concerning the dis-
 " position and situation of the *said countries known at*
 " *present by the name of the province of Louisiana,* we
 " are of opinion that there may be established therein a
 " considerable commerce, so much the more advantage-
 " ous to our kingdom in that, there has hitherto been a

“ necessity of fetching from foreigners the greatest part
 “ of the commodities which may be brought from
 “ thence, and because in exchange thereof we need carry
 “ thither nothing but commodities of the growth and
 “ manufacture of our own kingdom; we have resolved
 “ to grant the commerce of the country of Louisiana to
 “ the Sieur Anthony Crozat, our counsellor, secretary
 “ of the household, crown and revenue, to whom we en-
 “ trust the execution of this project. We are the more
 “ readily inclined hereunto, because his zeal and the sin-
 “ gular knowledge he has acquired in maritime com-
 “ merce, encourage us to hope for as good success as he
 “ has hitherto had in the divers and sundry enterprizes
 “ he has gone upon, and which have procured to our
 “ kingdom great quantities of gold and silver in such
 “ conjunctures as have rendered them very welcome
 “ to us.

“ For these reasons, being desirous to shew our fa-
 “ vour to him, and to regulate the conditions upon which
 “ we meant to grant him the said commerce, after hav-
 “ ing deliberated this affair in our council, of our certain
 “ knowledge, full power, and royal authority: We, by
 “ these presents, signed by our hand, have appointed
 “ and do appoint the said Sieur Crozat solely to carry
 “ on a trade in all the lands possessed by us, and bound-
 “ ed by New Mexico, and by the lands of the English
 “ of Carolina, *all the establishments, ports, havens, rivers,*
 “ *and principally the port and haven of the Isle of Dau-*
 “ *phine, heretofore called Massacre; the river of St. Lew-*
 “ *is, heretofore called Mississippi from the edge of the sea*
 “ *as far as the Illinois, together with the river of St.*
 “ *Philip, heretofore called Missouries, and St. Ferome,*
 “ *heretofore Ovabache, with all the countries, territories,*
 “ *lakes within land, and the rivers which fall directly or*
 “ *indirectly into that part of the river St. Lewis.*

“ The ARTICLES.—1st. Our pleasure is, that all the
 “ aforesaid lands, countries, streams, rivers, and islands,
 “ be and remain comprised under the name of the go-
 “ vernment of Louisiana, which shall be dependent upon
 “ the general government of New France, to which
 “ it is subordinate; and further, that all the lands which
 “ we possess from the Illinois be united, so far as occa-
 “ sion require to the general government of New
 “ France, and become part thereof, reserving however
 “ to ourselves the liberty of enlarging as we shall think
 “ fit, the extent of the government of the said country
 “ of Louisiana.”

This document, the first formal and authoritative one on the part of France in regard to the *eastern* confine of Louisiana, does not precisely establish the boundary assigned to it by our government, although it goes very far towards it. It includes within *Louisiana*, ALL THE ESTABLISHMENTS, PORTS, HAVENS, RIVERS, AND PRINCIPALLY THE PORT AND HAVEN OF THE ISLE DAUPHINE, HERETOFORE CALLED *Massacre*,* WITH ALL TERRITORIES, LAKES WITHIN LAND, AND THE RIVERS WHICH FALL DIRECTLY OR INDIRECTLY INTO THAT PART OF THE MISSISSIPPI.

Dauphine is an island in the mouth of Mobile Bay, and Mobile Bay is ten leagues *west*† of the river *Perdido*, the boundary claimed by our government.

* “ The isle *Massacre* was so called by the first *Frenchmen* who landed there, because on the shores of this island, they found a small rising ground, and on examining them, they found dead men’s bones, just appearing above the little earth that covered them. Then their curiosity led them to take off the earth in several places, but finding nothing underneath but a heap of bones, they cried out with horror, ah! what a massacre!” Du Pratz, vol. 1. p. 26—7.

† Modern Gazetteer, vol. 2. Article, *Perdido*. See also *Moise’s Gazetteer*.

Having noted the discovery, the first public and authoritative recognition, and the settlement of Louisiana by France, as far east as the *Mobile*, it is essential to a clear comprehension of the subject, to advert to the discovery of Florida.

“ Juan Ponce de Leon, having acquired both fame and wealth by the reduction of Puerto Rico, was impatient to engage in some new enterprize. He fitted out three ships at his own expence, for a voyage of discovery, and his reputation soon drew together a respectable body of followers. He directed his course towards the Lucayo islands, and, after touching at several of them, as well as the *Bahama isles*, he stood to the south-west and discovered a country *hitherto unknown to the Spainards*, which he called *Florida*, either because he fell in with it on Palm Sunday, or on account of its gay and beautiful appearance. He returned to Puerto Rico through the channel now known by the name of the *gulf of Florida*.”*

This discovery was made in the year 1512, and it is certain, from de Leon's touching at the *Lucayo islands*, the *Bahama isles*, and his returning to Puerto Rico thro' the channel of the *gulf of Mexico*, that he first landed on the coast of what is now generally termed *East Florida*, and most probably not far south of *St. Augustin*.

We learn from Du Pratz, and from all the historians who have written upon the discovery and settlement of Louisiana and Florida, that in the year 1699, the period of the first settlement of the French upon the *Mobile*, and nearly *two centuries* after de Leon's discovery of Florida, the Spaniards had not penetrated farther west, nor had

* Robertson's History of America, vol. 1, p. 230—31.

they claimed further *west*, than the river *Pensacola*. So far then we have clear, distinct, and indisputable historic knowledge of the discovery, settlement, and limits of Louisiana and Florida.

The grant of Louis the XIVth to Crozat, of Louisiana, is dated Sept. 14th, 1712. This grant recognises the *Mobile* as the eastern limit of Louisiana, and at this period it had not been disputed by the Spaniards.

Pensacola now remained the undisturbed *western* boundary of Florida until the year 1718, when the Spanish fort there was attacked by the French, stationed at *Mobile*.

“Towards the beginning of the year 1719, the Commandant-General of Louisiana having understood, by the last ships which arrived, that war was declared between *France and Spain*, resolved to take the port of *Pensacola* from the Spaniards.”*

“The Commandant-General, persuaded it would be impossible to besiege the place in form, wanted to take it by surprise, confiding to the ardor of the *French*. The *French* anchored near the Sortin, made their descent undiscovered, seized on the guard-house, and clapt the soldiers in irons, which was done in less than half an hour. The Spanish Governor was taken in bed, so that they were all made prisoners without bloodshed.”†

The post of *Pensacola* was soon afterwards re-taken by the Spaniards sent from the *Havanna*.‡

* Du Pratz History of Louisiana, vol. 1. p. 183.

† *Ibid* p. 188—9.

‡ *Ibid* p. 192.

On the 17th September, 1719, the post of *Pensacola* was again taken by the *French*,* and remained in their possession until the peace of this year between the two powers.

“ The history of *Pensacola* was the more necessary, as “ it is so *near our settlements* that the Spaniards heard “ our guns, when we gave them notice by that signal of “ our design to come and trade with them. At the “ peace that soon succeeded between France and Spain, “ *Pensacola* was restored to the last.”†

The *Perdido* is ten leagues *east* of the bay of *Mobile*, and the bay of *Pensacola* is four *east* of the *Perdido*, so that this river lies between the bays *Mobile* and *Pensacola*.

To do away all cause of misunderstanding in future between the two powers, as to the *eastern* extent of *Louisiana*, and the *western* of *Florida*, it was agreed between *France* and *Spain*, in the treaty of 1719, that the river *Perdido* should be the *eastern* boundary of the former, and the *western* of the latter.‡

Thus established by treaty, the *Perdido* continued to be the *western* boundary of *Florida* and the *eastern* of *Louisiana*, until the original transfer of the latter by *France* to *Spain* in 1761, which I shall presently notice.

France then, from its discovery, continued in the uninterrupted possession of *Louisiana* until the year 1761, when

* Du Pratz History of Louisiana, vol. 1. p. 196. See also the general history of voyages in French, vol. 5. p. 600—650. Paris Edition, 1757.

† Ibid, p. 197.

‡ See Mr. Randolph's Speech delivered in the House of Representatives on the 12th Feb. 1804.

she transferred it to *Spain*. In 1758, as I have already remarked, Du Pratz first published in France his history of Louisiana, and in his chapter of the description of the Lower Louisiana, and the mouths of the Mississippi, he says :

‘ The coast is bounded to the *west* by St. Bernard’s bay, where La Salle landed. On the *east* the coast is bounded by *Rio Perdido*, which the French corruptedly call *Aux Perdrix* ; *Rio Perdido* signifying *Lost River*, aptly so called by the *Spaniards*, because it loses itself under ground, and afterwards appears again, and discharges itself into the sea, a little to the *east* of the *Mobile*, on which the *first French planters settled*.’*

Forty-nine years then after the treaty between France and Spain, in 1719, which established the *Perdido* as the *eastern* boundary of Louisiana, Du Pratz, the most correct and celebrated historian of this country, geographically confirms it.

To the second volume of his history, is prefixed a map of *Louisiana*, which takes in to the *east*, the *Perdido*, and no further.

I might be content with citing this body of historic authority, but as I find Du Pratz corroborated by an author of no inconsiderable note, an extract from his work may not be unacceptable.

T. Jefferys, Geographer to the King of England, in his “*Natural and Civil History of the French Dominions in North and South America*,” gives the following boundaries of *Louisiana* :

* See Du Pratz Hist. of Louisiana, vol. 1. p. 216.

‘ The coast of *Louisiana* is bounded on the *west* by *St. Barnard’s Bay*, where *La Salle* landed, imagining it to be the mouth of the *Mississippi*. Towards the *east*, the coast is bounded by *Rio Perdido*, or the *river which loses itself*, from its running under ground, and afterwards emerging, and continuing its course till it falls into the sea, a small distance eastward from the *Mobile*.’*

So far there is no difficulty in ascertaining the eastern boundary of *Louisiana*, and with a little more attention it will be perceived, by the assistance of equally clear and undoubted historic authority, that, throughout all its transfers from *France* to other powers, to the first of which we shall immediately approach, the *Perdido* was the eastern limit of *Louisiana*, and the western of *Florida*.

In 1755, hostilities commenced between *France* and *Great-Britain*. In this war, British arms, guided by the vigor of *Chatham*, were attended with unexampled success. A brilliant career of successive victories in *America*, was crowned with the surrender of *Quebec*, in 1759. Every where the genius of *France* frowned upon her efforts.

In 1761, amid the disasters of the French arms, the treaty, known by the name of the “*Family compact*,” was concluded between *France* and *Spain*. This treaty identifies the interests of the two powers. The principle which it established between them is, that “*whoever attacks one crown, attacks the other*.”† This treaty involved *Spain* in hostilities with *Great Britain* on the side of *France*, and, as indemnity, *Louisiana*, by a secret treaty

* Page 152, Lond. fol. edition, 1761. The work is dedicated to Brigadier General Townsend, who commanded at the attack on *Quebec* after the failure of General Wolfe.

† Cræmer’s Collection of Treaties, vol. 1. p. 554

of contemporaneous date, was ceded by France to Spain. This was the first transfer of Louisiana by France, and we have seen that up to this period, the *Perdido* was its boundary.

Spain now entered into the war with great spirit, but it was of short duration, and to her it was as inglorious as it was short.

In 1762 almost all the French and Spanish West-India Islands fell into the hands of the British. On the 13th of August the Havanna capitulated to Admirals Pococke and Albemarle. In the east, Manilla was reduced.—Every where British arms were triumphant.

Early in November of this year, preliminaries of peace were interchanged at Versailles by England, France, and Spain, and in February, 1763, the articles of peace were signed at Paris by the ministers of the respective powers.

In this treaty, Spain cedes to England *Florida*, and France cedes to the same power all that part of Louisiana which lies between the River Iberville, the Lakes Maurepas and Pontchartrain, and the river *Perdido*, leaving Spain in the possession of New-Orleans, the Mississippi, and the territory *west* of it.

France however was but the *ostensible* owner, for in 1761, Louisiana, by the secret treaty with Spain already mentioned, was ceded to her by his Christian Majesty; but as this treaty was unknown to Great Britain, France, in 1763, was to her the ceding power of the part of Louisiana above described. The following are the articles of cession.

Article 7. "It is agreed that, for the future, the confines between his Britannic Majesty and those of his most Christian Majesty, shall be fixed by a line drawn along the middle of the river Mississippi, from its source to the Iberville, and from thence by a line drawn along this river, and the lakes Maurepas and Pontchartrain, to the sea, and for this purpose the most Christian King cedes in full right, and guarantees to his Britannic Majesty, the *River and Port of Mobile*, and every thing which he possesses, or ought to possess, on the left side of the Mississippi except the town of New-Orleans, and the islands in which it is situated, which shall remain to France."*

In this article France cedes to England *Louisiana*, from the Island of New-Orleans to the Mobile. We shall now see what *Spain* cedes to Great Britain by an article of the same treaty.

Article 20. "In consequence of the restitutions stipulated in the preceding article, [Cuba and the other conquered Spanish Islands, &c.] his Catholic Majesty cedes and guarantees, in full right to his Britannic Majesty, *Florida*, with Fort St. Augustin, and the *Bay of Pensacola*."†

France then cedes *Louisiana* to the *Mobile*; Spain, *Florida* to the Bay of *Pensacola*.—Here, in the cession of this country to England, are recognised the ancient boundaries between France and Spain; the former ceding *east* as far as the *Perdido*; the latter, *west* as far as *Pensacola*.

Hitherto *Florida*, simply, was the name by which the country, claimed and owned by Spain, was designated.

* Chalmer's Collection of Treaties, vol. i. p. 473. † Ibid. p. 479.

East and *West* Florida were terms unknown previous to the cession to Great-Britain, and were subsequently introduced by her for convenience of government. In a *Proclamation* issued by Great-Britain immediately after the peace of 1763, the terms *east* and *west* were first introduced and applied to the cession respectively made by France of *Louisiana*, and by Spain of *Florida*. To the latter, the term *east* Florida is applied; to the former, *west*. In east Florida was erected one government, in west, another, and the limits of each were distinctly marked in the Proclamation of the British government. Mr James Grant was appointed governor of east Florida; Mr. George Johnson of west. The Proclamation thus defines their respective limits.

“The Government of East Florida, bounded to the westward by the Gulf of Mexico, and *Apalachicola* river.”

“The government of *west* Florida, bounded to the southward by the Gulf of Mexico, including all the Islands within six leagues of the coast, *from* the river *Apalachicola* to the lake Pontchartrain; to the westward, by the said Lake, and the Lake Maurepas, and to the eastward, by the river *Apalachicola*.”*

This Geographical division varies but little from that which obtained with France and Spain anterior to the cession; the only remarkable alteration is the *change of names*, and this cannot confuse the distinct ideas we previously had of the limits of *Louisiana* and *Florida*. West Florida, as we must now term it, embraces, and extends eastwardly, but very little farther than the *Perdido*, the eastern limit of Louisiana before the cession; and *east*

* See Proclamation in Marshall's life of Washington, vol. i. Appendix p. 40

Florida includes all that territory which, previous to the cession, was owned by Spain and known by the name of Florida, with this difference, that instead of extending westwardly to *Pensacola*, it is limited by the river *Apalachicola*. The difference however, is but trifling. Substantially, the division of Louisiana and Florida, when owned by France and Spain, was preserved by Great-Britain, under the varied denomination of *East* and *West* Florida.

The American Revolution induced the severance of *east* and *west* Florida from Great Britain. In 1779 Spain joined the confederacy against England. In 1780, the town and fort of Mobile surrendered to her arms, and in 1781, she triumphed at Pensacola. In a short time Spain reduced, and literally drove the British from the Floridas.

Article V. of the definitive treaty of Peace of 1783, between England and Spain, cedes to his "Catholic Majesty, east Florida, as also west Florida."*

Louisiana on both sides of the Mississippi, and Florida, were now in the sole possession of Spain. The former, from its *western* to its eastern bounds, the *Perdido*, was ceded to her by France in the secret treaty of 1761. That portion of it only which lies between the eastern precincts of New-Orleans and the *Perdido*, was, by France, for Spain, ceded to England in 1763. In 1783, it was restored by England to Spain.

As Louisiana east to the *Perdido*, and Florida west to Pensacola were, subsequent to the cession of 1763, and

* Chalmers's Collection of Treaties, vol. ii. p. 232.

not before, distinguished by the terms *east* and *west* Florida, so after the treaty of retrocession in 1783, these terms ceased to exist except in *English geography*. Spain resumed the ancient limits and terms of these places. Like Great-Britain, she formed of this territory two distinct governments, the government of *Louisiana*, and the government of *Florida*. The governor of *Louisiana* resided at New-Orleans, and his territory and jurisdiction extended to the *PERDIDO East*; the governor of *Florida* resided at St. Augustin, and his territory and jurisdiction extended to *PENSACOLA West*. This was a complete resumption and unequivocal recognition in fact and name of Louisiana, when in the hands of France, and of Florida when in possession of Spain, previous to the cession to Great-Britain, in 1763.

Thus Louisiana continued in the possession of Spain until the treaty of St. Idelfonso of October first, 1800, concluded between his Catholic Majesty and the First Consul of France. By this treaty was ceded to France, 'the colony or province of Louisiana, *with the same extent that it now has in the hands of Spain, and that it had when France possessed it*, and such as it should be after the treaties subsequently entered into between Spain and other States.' Precisely in these terms, France, in the treaty of the 30th of April, 1803, cedes to the United States the colony of Louisiana.

I may now ask what was the eastern extent of Louisiana when in the hands of Spain? and answer the *Perdido*.

What then possessed by France?

THE PERDIDO.

What in the treaties subsequently entered into between Spain and other States?

THE PERDIDO.

And from this boundary we cannot, consistently with justice to ourselves and honor to the nation, recede.

APPENDIX.

NO. 1.

IN the discharge of an important, and to myself an indispensable duty, the subjoined statement was communicated, in the first instance, to the government—In a respectful solicitude for the rights and interest of our country the deposition and letters are now made public.

Sept. 20.

W. JACKSON.

ON Thursday, September 6th, 1804, about noon, a note, of which the following is a transcript, was left at my office, as my clerk informed me, by a person who lives with Mr. Francis Breuil, merchant, in Philadelphia :

“ The Marquis de Casa Yrujo presents his compts. to Major Jackson and would be very happy to know from him when and where he could have the pleasure to see him in the course of this day.”

“ Thursday 6.”

Never having before received any communication from Mr. Yrujo—Never having even exchanged one word of conversation with him in my life—I was not a little surprized at receiving this message, which I answered by a note to the following purport :

“ Major Jackson presents his compliments to the Marquis de Casa Yrujo—in reply to his note of this morning, just now received, Major Jackson will be at his office until 2 o'clock ; and at his house in Chesnut-street, next to Gen. Dickinson's, until 4 o'clock—at either of which places he will see the Marquis de Casa Yrujo ; or, if more convenient, he will wait on him.”

“ Thursday, Sept. 6th.”

This note was sent by Mr. Johnson, my clerk, and left at Governor M'Kean's. Mr. Breuil called on me soon after, and said that the Marquis de Casa Yrujo would be glad to see me at the Marquis' house at 5 o'clock.

I asked Mr. Breuil if he knew on what business Mr. Yrujo wanted to see me—he said he did not know.

I went at 5 o'clock to Mr. Yrujo's house, and on entering the room, was accosted by him in nearly the following words :

“ You will be surprized, Major Jackson, at the liberty I have taken in sending to you, but I trust an explanation of the motive will excuse me. I consider you, sir, as a gentleman, a man of letters, and a man of honor.

“ By a political intolerance you have been forced to adopt a profession, different from what you have heretofore pursued—but it is one in which you are qualified to be very useful. I observe by certain opinions expressed in your paper, that you consider the present administration (for I will not call them government) as disinclined to go to war with Spain ; in this however you are mistaken—the reverse is the fact, and they only wish the federal papers to utter those opinions that they may have an argument of that sort for indulging their wish to go to war with any country, which would certainly be very injurious to your's—for if the King, my master, was to order three ships of the line and six frigates to the Mississippi—three ships of the line and six frigates to the Chesapeake—and three ships of the line and six frigates

to Sandy Hook, what would you do? But you have it in your power, to do much good, by espousing the part of peace, which is so necessary to both nations—And if you will consent to take elucidations on the subject from me, I will furnish them—and I will make you any acknowledgement.” Perceiving, at this moment, his infamous purpose, I with difficulty stifled the emotions which it excited, and restrained my indignation. He went on to examine in detail the several points in dispute between Spain and the United States—and, as I wished to learn his opinions respecting them, I desired him to proceed. Among other things he said that if Mr. Pinckney had acted by instructions from the administration, or if his conduct should be approved by them, war was inevitable. But he had no doubt war was the wish of our administration, for he had received a letter from New-Orleans, dated on the 25th of April last, which stated, that there was a letter at that place in Mr. Jefferson’s hand writing, dated in March last, which declared, that if the settlers between the Mississippi and the Rio Perdido, would raise the American colors, they should be supported.

He continued his observations, and pressed me to give him an answer—assuring me that this was no diplomatic management, but an *épanchement* (unbosoming) of himself to me as a man of honor—and he trusted I would so consider it.—I then quitted the room; he went with me to the street door, and again asked me when I would give him an answer. With difficulty I suppressed the indignation of my feelings, and left the house.

W. JACKSON.

Sworn the 7th September, 1804, That the contents of the within statement are just and true.

EDWD. SHIPPEN, Chief Justice of the
Supreme Court of Pennsylvania.

Philadelphia, September 7th, 1804.

SIR,

CONSIDERATIONS paramount to all others, the love of my country, and a sense of personal honor, which no change of fortune or circumstance can ever efface or diminish, have decided me, on the present occasion, to address you.

The accompanying document refers to the most interesting objects that can engage my attention, and for the moment, those objects banish every other remembrance.

Mr. Yrujo’s official character, precludes the only reparation I would consent to receive for this attempt against my honor. It is for you, sir, to determine what satisfaction is due to our country and its government.

I shall wait the time necessary to learn your decision before I give further publicity to the transaction. I am, Sir,

Your most obedient servant,

W. JACKSON.

Thomas Jefferson, Esquire,
President of the United States.

Monticello, September 15, 1804.

SIR,

I HAVE received your letters of the 7th and 9th instant,* and shall use their contents in due time and place for the benefit of our country.

* Duplicate.

As you seem sufficiently apprized that the person of the Marquis Yrujo is under the safeguard of the nation, and secured by its honor against all violation, I need add nothing on that head. On another, however, I may be permitted to add that if the information respecting a letter, said to have been written by me, was meant as a sample of the communications proposed to be given to you, their loss will not be great. No such letter was ever written by me, by my authority, or with my privacy. With my acknowledgements for the communication I tender you my salutations.

TH: JEFFERSON.

Major William Jackson.

NO. 2.

FROM THE FREEMAN'S JOURNAL.

SPANISH INTRIGUE.

THE subjoined communication to the public from the Editor of the Register, is copied from that paper of last evening. We thought it our duty to reserve from publication, at least for a time, an offer of the papers "*GRAVIOIRA MANENT*," at the office of the Freeman's Journal before their appearance in any newspaper. As the source, from which they came, was proposed to be reserved from us (unless we agreed to publish) by the person who presented the first number at this office; as there was a declaration made that we *should be PAID*, if we would publish; as the offerer seemed to be a foreigner, and as the contents appeared to be very exceptionable, coming from a foreign government, we gave them a reflected rejection.—The application was accompanied by a circumstance, which proved the bearer to be in personal and familiar connection with a Spanish public officer. We considered it as our duty to go further than a mere decided rejection; and hence it was that we placed our facts and observations, in a sure and guarded manner, before the government of the United States, and paid the closest attention to the subsequent workings of the matter here. We were ignorant of the overture to the Register. The first number of "*Gravioira Manent*," appeared in Relf's paper soon after, with some editorial articles under the Philadelphia head, calculated to give fuel to the dangerous fire which foreign agents appeared to be lighting up among us. The United States Gazette came forward with the first number of the same paper, and a long introduction, co-operating with *this foreign appeal to the people* in giving our Spanish business the most unsatisfactory appearance in the minds of our countrymen, and a complexion and turn the most inconvenient to the approaching negotiations of our executive government.



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